G.R.S. IX—5]

Previous references. 1922. **File No.** 607-22

(Courts)

Serial Nos. 1864.

Later references.

Procedure

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Forms

Part B for February 1923.

SUBJECT

Amendment of Form 11 of Appendix H of the Civil Procedure Code for Notice to minor defendants and guardians.

8(4)

To the Registrar, Chief Court.

No. P6093 of 26.1.23.

Sanctions the new forms.

Printed on the Multigraph.

Ag. Nazir Khas
14/2/23.

G. R. S. III—1] 1922

GENERAL AND REVENUE SECRETARIAT.

(courts)

NOTES.

File No. 107-22

FILE HEADING.

Amendment of Form 11 of Appendix H of the Civil Procedure code for notice to minor defendants and guardians

From

The Registrar Ishug Court

Roc No. 4-50 Dated 25.10.22 Received 27.10.22

Diary No. 8471	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to the adoption of certain new forms in place of the old form no. 11 of the Civil Procedure Code for notice to minor defendants and guardians

NOTES AND ORDERS.

The Registrar says that the majority of the Rules Committee have approved the proposed forms It is not known whether the Law Secretary was consulted. Before proposed forms have been published in the Gazette and thereafter

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

GS File No. 607 of 1922-23

Serial No.

No objections

2) Submitted for orders

3) Please put up draft

Sanctioning

28.10.22 dtd 4/11

Cag 6/11

GS 7/11

4) Submitted with draft

Gen Sec 13/11

8/11/22 dtd 12/11

5) Approval

3534 2-12-22 Second Amended

1/12/22 dtd 1/12

6) Copies with 2/12

7) Issue dtd 4/12

Letter

8) Tenderness has to be intimated of the proposed change before orders are passed — issued

Send with draft to the Residency.

9) This has necessitated the postponement of the date on which the new forms can come into force. It is proposed to fix the date as 1st Feb 1923. The draft is for approval

Gen Asst dtd 5/1

2

G. R. S. III-2]

General and Revenue Secretariat.

2121 3665 P

3

File No. 107 of 19 22

Serial No.

10) for approval
see
4396 6-1-23 Govt received 5.1.23 *
11) appd subject
see
5.1.
12) done
2 3 the Secy to the Resident
No. 627 G. 12.1.23
for information. The amended and new forms & states that the new forms are to come into force with effect from 1-2-23.
Done
13 1 1911 The Secy to the Govt Collector Resident
Letter no 514/40-1901 G 18-1-1923
As intended per the receipt of the letter under issue
The issue of some forms in place of the existing
form no D 11 in Appendix H of the First Schedule
of the Code of Civil Procedure
noted
13) May the draft sanctioning the new forms issue now?
Perhaps the words "the new forms will come into force
with effect from 1-2-1923" may be added at the end
portion
14) done
4, To the Registrar, Chief Court
G.O. No. 1-6099 G 26-1-23
sanctioning the new forms.

NOTE—Contn. on

20/1/23

2 598

Rec No 450

CHIEF COURT OF MYSORE

Bangalore, dated 25th October 1922.

From

A. Srinivasa Raghavachar, Esquire, B.A., B.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

GEN & REV DEPTT
27 OCT 1922

To

B. Venkoba Rao, Esquire, B.A.,
Secretary to the Government of Mysore,
General Department, Bangalore.

S i r,

I am directed to request the sanction of Government, under section 126, Civil Procedure Code, to the enclosed amended and new forms, numbered as No. 11 and 11A being substituted in place of the existing form No. 11 in Appendix H of the first schedule of the Code of Civil Procedure, 1911, in the matter of ~~xxx~~ notices to a minor defendant, and his proposed guardian (Order 32, rules 3 and 4)

The form now in use was originally copied from that used in Bengal, and is found to be defective. The forms of notices now proposed to be substituted, are more comprehensive and have been adapted from those recently intrpduced and sanctioned by the Government of Madras (vide page 2222, Part II of Fort St. George Gazette, dated 6th December 1921), and contain a provision not found in the present form that the guardian shall if he is willing to act as guardian sign a ~~xxxx~~ declaration to that effect on the reverse of the notice. This will enable the court to appoint the said person as guardian ad litem and proceed with the suit. Very often the proposed guardian is personally served, but fails to appear at the hearing, and

the

the court is not in a position to know whether the person consents or does not consent to act as guardian ad litem. It may also happen that the proposed guardian is willing to act as guardian, but does not think it worth-while to appear and contest the suit and incur unnecessary costs, the plaintiff's claim being just and true. The proposed forms, while giving an opportunity to the proposed guardian to express his consent, nevertheless leaves unfettered the ~~direm~~ discretion vested in court under Order 32, Rule 11, to appoint a fresh guardian without proceeding ex parte in cases where the guardian does not enter appearance.

The proposed forms have been approved by a majority of the Rule Committee, and were published in the Mysore Gazette of the 24th August 1922, but no objection has been received thereto.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

No. 11.

Notice to minor defendant(Order 32,Rules 3 & 4)

T i t l e.

To --- (Name, description and place of residence)
..... Minor defendant.

Whereas an application has been presented on the part of the plaintiff in the above suit for the appointment of ..... as your guardian for the suit, you are hereby required to state your objections, if any, on or before ..... when the application will be heard and the matter disposed of

Given under my hand and the seal of the court this..... day of 192

J U D G E.

No. 11 A.

Notice to the proposed guardian of a minor-------- defendant(s
respondent(s
(Order XXXII, Rules 3 and 4).

T i t l e.

To --- (Name, description and place of residence)
-------- proposed guardian.

Take

Take notice that X $\frac{\text{plaintiff}}{\text{appellant}}$ in ..... has presented a petition to the court praying that you be appointed guardian ad litem to the minor defendant(s)/respondent(s), and that the same will be heard on the ---------- day of ..... 192 .

2. The affidavit of X has been filed in support of this application.

3. If you are willing to act as guardian for the said defendant(s)/respondent(s), you are required to sign(or affix your mark to) the declaration on the back of the notice.

4. In the event of your failure to signify your express consent in manner indicated above take ~~future~~ notice that the court may proceed under Order XXXII, Rule 4, Code of Civil Procedure, to appoint some other suitable person or one of its officers as guardian ad litem of the minor (defendant(s)/respondent(s) aforesaid.

Dated the ..... day of ..... 192 .

(Signed)

(To be printed on the reverse)

I hereby acknowledge receipt of a duplicate of this notice and consent to act as guardian of the minof defendant(s)/respondent(s) therein mentioned.

(Signed) Y.Z.

Witnesses. 1.
2.

"Copy"

6,7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Letter No.R.O.C.450 dated 25th October 1922 from the Registrar, Chief Court, stating that the present form No.11 in Appendix H of the first schedule of the Code of Civil Procedure in the matter of notices to a minor defendant and his proposed guardian (Order 32 rules 3 and 4) is defective and requesting sanction for the substitution of the accompanying forms numbered 11 and 11 A for the existing form

---

Order No.

Dated Bangalore, the January 1923.

Sanctioned.

For General Secretary to Govt.

To

The Registrar, Chief Court.

KNN

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to 2121

General and Revenue Secretariat

( )

, the 191 .

Date of issue 12-1-1923

Signed by Mr. S. Aravamudachariyar

Section C5.

File No. 107-21

Serial No. 2

No. Lol 627 Ell

To

The Secy. to the Hon'ble the Resident

Sir,

I am directed to forward for the information of the Hon'ble the Resident herewith the accompanying amended and new forms nos. 11 and 11 A proposed to be issued in place of the existing form no. 11 in Appendix H of the first schedule of the Code of Civil Procedure, 1911, in the matter of notices to a minor defendant and his proposed guardian (Order 32, rules 3 and 4). as in force in the State. Acts over.

The new forms will come into effect from 1.2.1923.

I have etc

5.1.23

Secy. to Govt

Mr. I

1145 AM 5/1.

(9

G. R. S. III—3j

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Pol 924

R. O. 2.—R. P. B.—11—1922.—5,000. 9

No. 514 Enclos. *Dated Bangalore,* 8th January 1923.

40-1901.

REV. DEPT. FROM 8 JAN 1923

3665

P

F. Williamson, Esq., I.C.S., SECRETARY TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of Mysore,
General Department.

JUDICIAL BRANCH 19 JAN 1923

Subject:—

New forms in Appendix H of the Mysore Code of Procedure, 1911.

Sir,

I am directed to acknowledge, with thanks, the receipt of your letter No. Pol.627, dated the 12th January 1923, communicating for the information of the Resident the amended forms Nos. 11 and 11-A which the Mysore Government propose to issue in place of the existing form No.11 in Appendix H of the first schedule of the Code of Civil Procedure, 1911.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

AVR

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

(10

G.R.S. VI G 34]

SUBJECT.....

.....

.....

(W)

Diary No. of letter replied to..... 2-14

Section C5

File No. 107-2

Serial No. 4

General and Revenue Secretariat

( )

, *the* 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 26/4/23

Signed by.....

Read—

Letter no Roc 450 d) 25.10.22 from the Registrar Cooperative, stating that the present form no 11 in Appendix H of the first Schedule of the code of civil Procedure in the matter of notices to a minor defendant and his proposed guardian (Order 32, rules 3 & 4) is defective and requesting direction for the substitution of the accompanying forms number 11 and 11 A for the existing forms -

Order Thereon No. P 6099/11,

Sanctioned.

(The said forms 11 & 11 A will come into force with effect from 1-2-23)

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Subject to approval

By order,

Do

the Registrar Cooperative Societies